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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,208	12/15/2000	Masahiro Konishi	0905-0251P-SP	8537

2292 7590 11/17/2005

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EXAMINER

JERABEK, KELLY L

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,208

Applicant(s)

KONISHI, MASAHIRO

Examiner

Kelly L. Jerabek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/19/2005 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 rejected under 35 U.S.C. 103(a) as being unpatentable over Hamamura et al. US 2003/133021 in view of Matsuzaka US 6,757,013.

Re claim 1, Hamamura discloses in figure 1 a digital still camera. The camera includes a CCD (103) for imaging a subject and outputting an image signal (page 1, paragraph 18). The camera also includes a taking lens (101) whose focal distance can be changed in accordance with a defocus amount received from MPU (21) and a rangefinder (15) for measuring the distance to the subject (page 2, paragraph 21). In addition, the camera includes an amplification circuit (111) for amplifying the image signal outputted from the CCD (103) (page 1, paragraph 19). Figure 5 discloses a flow chart of the operation of the camera during the FLASH ON subroutine. The under exposure determining unit (212) reads the number GN [1] from flash (18) corresponding to the gain of the amplification circuit (111) and divides GNo[1] by the open aperture value to obtain a flash emission effective for distance D [1] and a determination is made as to whether the distance D corresponding to the distance to the photographic subject obtained by the rangefinder (15) is longer than the distance D [1] (page 5, paragraph

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60). Therefore, the camera includes a first judgment means (212) for judging whether or not the irradiation distance of a strobe is shorter than a distance to the subject that is measured by a distance measurement means. Finally, when the distance D corresponding to the distance to the photographic subject obtained by the rangefinder (15) is determined to be longer than the distance D [1], the gain of the amplification circuit (111) is increased to 2x a predetermined gain by gain setting unit (213) (page 5, paragraph 60). Therefore, the camera includes amplification factor control means (213) for increasing the amplification factor of the amplifier (111) when the irradiation distance of the strobe is determined to be shorter than the distance to the subject. Although the Hamamura reference discloses all of the above limitations its distance measurement means (rangefinder 15) does not measure the distance to the subject on the basis of a detected focusing position of a focus lens.

Matsuzaka discloses an image pickup apparatus including a zoom switch (110) for commanding a zoom operation of a zoom lens and an autofocus microcomputer (102) for controlling an autofocus operation of a focus lens (col. 4, lines 33-57).

Matsuzaka states that during an auto-zoom operation the distance to the subject is detected on the basis of positional information of a focus lens. Thus, Matsuzaka discloses a distance measurement means for measuring the distance to the subject on the basis of the focusing position of a focus lens detected by a focus detecting circuit (col. 7, lines 27-37). Therefore, it would have been obvious for one skilled in the art to have been motivated to replace the rangefinder for measuring the distance to the subject as disclosed by Hamamura with a distance measurement means for measuring

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distance to an object on the basis of a focusing position of a focusing lens as disclosed by Matsuzaka. Doing so would provide a means for detecting the distance to a subject when the distance between the image pickup apparatus and the subject changes while an image is being captured (Matsuzaka: col. 7, lines 27-31).

Re claim 2, Hamamura states that after a light adjustment IC (20) is alerted to the 2x gain exposure the under exposure determining unit (212) reads the number $G_{No} [2]$ from flash (18) corresponding to the gain of the amplification circuit (111) and divides $G_{No} [2]$ by the open aperture value to obtain a flash emission effective for distance $D [2]$ and a determination is made as to whether the distance D corresponding to the distance to the photographic subject obtained by the rangefinder (15) is longer than the distance $D [2]$ (page 5, paragraph 61). Therefore, the camera includes a second judgment means (212) for judging whether or not the image signal amplified by the amplification circuit (111) satisfies predetermined brightness. Finally, when the distance D corresponding to the distance to the photographic subject obtained by the rangefinder (15) is determined to be longer than the distance $D [2]$, the gain of the amplification circuit (111) is increased to 2x the previously doubled gain by gain setting unit (213) (page 5, paragraph 61). Therefore, the camera includes amplification factor control means (213) further increases the amplification factor of the amplifier (111) when the second judgment means (212) judges that the subject image represented by the amplified image signal does not satisfy a predetermined brightness.

Re claim 3, see claim 1.


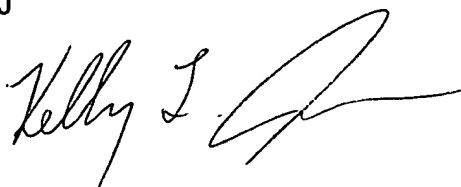
Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is (571) 272-7312. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on (571) 272-7320. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (571) 273-7312.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ



NGOC YEN VU
PRIMARY EXAMINER